IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.MC.No. 2796 of 2007()

CMP.2441/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT, MATTANNUR

.....

PETITIONER: 2ND ACCUSED:

JIJI, S/O. SOMAN,
PUTHIYAPURAYIL VEEDU, NADUVANADE,
THALACHANGAD LAKSHAMVEEDU COLONY.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE:

---

1. THE SUB INSPECTOR OF POLICE,
IRITTY POLICE STATION, KANNUR.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

Crl.M.C. No. 2796 Of 2007

= = = = = = = = = = = = = = =

Dated this the 13th day of September, 2007

ORDER

The petitioner faces allegation of having committed offences punishable under Section 489 B & C read with 34 IPC. The petitioner was arrested and produced before the learned Magistrate on 4.5.07. By order dated 6.8.07, the petitioner was enlarged on bail subject to conditions. Inter alia, a condition was imposed that the sureties must execute a bond for Rs.50,000/- and that such sureties must produce solvency certificates.

2. According to the petitioner, the condition imposed is too harsh and onerous. Because of the onerous nature of the condition, the petitioner was not able to comply with the condition and get himself enlarged on bail. The petitioner is a poor collie. If the insistence on production of solvency certificates were made, the petitioner will have to languish in prison for a long further time. Rigid insistence of solvency certificates may be dispensed with and the continued detention which commenced on 4.5.07 may be avoided prays the learned counsel for the petitioner.

3. The learned Public Prosecutor submits that the allegations are serious. Counterfeit currency notes were allegedly dealt with by the

petitioner. Such conditions may be insisted which shall ensure the presence of the petitioner for trial.

4. Having considered all the relevant inputs, I am satisfied that the insistence on production of solvency certificates which will necessarily involved a long period of time can be avoided. The learned Magistrate can be permitted to accept the sureties, if they are found to be sufficient and solvent on whatever materials are produced by the sureties. Rigid insistence on production of solvency certificates need not be made. It is enough if the requisite satisfaction can be entertained by the Magistrate on the materials produced.

5. This Crl.M.C is allowed to the above extent.

(R.BASANT, JUDGE)

sj